

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

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v.

VASCULAR SOLUTIONS, INC.,

CRIMINAL NO. 5:14-CR-00926

and

HOWARD C. ROOT

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§

Defendants.

**DEFENDANTS' MOTION TO DISMISS THE INDICTMENT OR, IN THE  
ALTERNATIVE, TO PRECLUDE THE GOVERNMENT FROM USING  
DEFENDANTS' TRUTHFUL SPEECH TO  
PROVE MISBRANDING AND ADULTERATION COUNTS**

In accordance with Federal Rule of Criminal Procedure 12(b), Defendants Vascular Solutions, Inc. and Howard C. Root move to dismiss the indictment. In the alternative, the defendants move to preclude the government from using the defendants' truthful speech to prove the misbranding and adulteration counts alleged in the indictment. This motion is based on the accompanying memorandum in support and attached exhibits.

Dated: August 13, 2015

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I hereby certify that on August, 13, 2015, I electronically filed the foregoing motion via the CM/ECF system, which will effectuate service on all counsel of record who are properly registered for CM/ECF service.

s/ John C. Richter